

IMPARTIAL ANALYSIS OF MEASURE R
Prepared by City Attorney

Measure R amends the Lodi General Plan and Zoning Ordinance to control the maximum size of retail structures (Title 17 of the Lodi Municipal Code). Measure R would amend the Zoning Ordinance to impose a 125,000 square foot maximum size on retail structures within any zoning district in the City of Lodi. Measure R defines the term "gross floor area" to include outside retail areas.

Measure R adds twenty-one recitals to the Zoning Ordinance. These recitals set forth a number of negative effects the proponents believe are caused by large scale retail. Together these recitals suggest an intent that the initiative apply to traditional "big box" variety based retailers such as Costco, Home Depot, Lowe's, Target and Wal-Mart and not to auto dealers or other business not associated with the "big box" business model.

The Zoning Ordinance currently places no size limits on retail structures, although it does provide the buildings in the Commercial Shopping district may not exceed twenty-five percent of site area. The Zoning Ordinance also currently contains design standards applicable to retail buildings in excess of 25,000 square feet. These existing regulations would not be affected by approval of Measure R.

Under Measure R, applications for the construction, expansion or rebuilding of retail structures in excess of 125,000 square feet must first be approved by the City Council and the Lodi voters. The City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, any project larger than 125,000 square feet would then be submitted to the voters. Measure R also adds provisions to the Lodi General Plan requiring compliance with and facilitating implementation of this approval process. Measure R prohibits the City Council from granting variances to the size limitations.

Measure R requires the developer to pay the costs incurred by the City in conducting the election, unless prohibited by law. Measure R states that such elections shall be consolidated with other elections if feasible.

Measure R also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives and policies of Measure R.

Measure R states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. Measure R states that it shall be interpreted broadly to achieve the purposes stated in Measure R, and also that it shall be interpreted to be consistent with state and federal law.

The above statement is an impartial analysis of Measure R. If you desire a copy of Measure R, please call the Lodi City Clerk's office at (209) 333-6702, and a copy will be mailed at no cost to you.